

AGENDA ITEM



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Public Hearing to Consider Testimony of All Interested Persons for or Against the Establishment of the Lodi Tourism Business Improvement District (LTBID) and the Levy of Proposed New Assessments and to Introduce an Ordinance Establishing the LTBID

MEETING DATE: October 6, 2004

PREPARED BY: Finance Director


RECOMMENDED ACTION: A) That the City Council conduct a public hearing to receive protests against the establishment of the Lodi Tourism Business Improvement District.

B) That the City Council consider the introduction of an ordinance to establish the Lodi Tourism Business Improvement District.

BACKGROUND INFORMATION: The first step necessary for the establishment of a Business Improvement District is for the City Council to adopt a resolution of intention to form a Business Improvement District. This resolution was adopted by the City Council on September 15, 2004. This resolution and a notice of Public Hearing have been published and copies of each have been mailed to the parties as indicated on Exhibit A. The next step is for the City Council to hear testimony from interested persons for or against the establishment of the district. Exhibit A indicates the number of votes that each party has in order to protest the establishment of the District. A majority protest vote, which is weighted according to the percentage of the overall assessment that the protesting party would pay, will prevent the establishment of the district. All such protests must be in writing.

If the Council does not certify a majority protest then Council may consider adopting the attached ordinance establishing the District. That ordinance establishes the amounts to be assessed, a determination regarding the protest, a description of the boundaries of the area, a finding that the businesses in the area will be benefited by the assessment and other findings required by the Parking and Business Improvement Area Law of 1989.

FUNDING: The costs associated with the collection of assessments and for the City's administration of the district will be recovered as part of the administrative fee to be taken from the assessment amounts remitted to the Finance Department.


James R. Krueger, Finance Director

JRK/
Attachments
cc: Nancy Beckman, LCVB

APPROVED: 
Janet S. Keeter, Interim City Manager

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING TITLE 12 "STREETS, SIDEWALKS AND PUBLIC PLACES"
OF THE LODI MUNICIPAL CODE BY ADDING CHAPTER 12.07,
RELATING TO ESTABLISHING THE LODI TOURISM BUSINESS
IMPROVEMENT DISTRICT (LTBID)

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Title 12 "Streets, Sidewalks and Public Places" of the Lodi Municipal Code is hereby amended by adding thereto Chapter 12.07, relating to the establishment of the Lodi Tourism Business Improvement District (LTBID), and shall read as follows:

Chapter 12.07 LODI TOURISM BUSINESS IMPROVEMENT DISTRICT

SECTIONS:

12.07.010	Authority
12.07.020	Resolution of Intention
12.07.030	Resolution of Intention, Notice, Hearing and Protest
12.07.040	Definitions
12.07.050	Established--Name
12.07.060	Description of Boundaries
12.07.070	Levy of Assessment--Use of Proceeds
12.07.080	Annual Review of Assessments
12.07.090	Levy of Assessment—Amount
12.07.100	Levy of Assessment—Use of Revenue—Authority
12.07.110	Assessment—Calculation of Taxes
12.07.120	Records
12.07.130	Levy of Assessment—Collection, Delinquency, and Penalty

12.07.010 Authority.

The proceedings herein are taken pursuant to the authority of the Parking and Business Improvement Area Law of 1989, codified as California Streets and Highways Code Sections 36500 through 35551, inclusive. The hotels within the boundaries of the district established by this Ordinance shall be subject to any amendments of the Parking and Business Improvement Area Law of 1989.

12.07.020 Resolution of Intention.

This chapter is adopted pursuant to the Resolution of Intention (Resolution No. 2004-191) adopted by the Lodi City Council on September 15, 2004, pursuant to the authority of the Parking and Business Improvement Area Law of 1989.

12.07.030 Resolution of Intention, Notice, Hearing and Protest.

Resolution of Intention No. 2004-191, was published and mailed as provided by law, and a public hearing thereon was held by the City Council on October 6, 2004 at 7:00 p.m. before the City Council in the Chambers of the Lodi City Council at the Carnegie Forum, 305 West Pine Street, Lodi, California. A protest against the proposed formation of "Lodi Tourism Business Improvement District," has not been made by businesses which will pay fifty percent or more of the proposed assessment. All protests, both written and oral, are overruled and denied and the City Council finds that there is not a majority protest within the meaning of Sections 36524 and 36525 of the California Streets and Highways Code.

12.07.040 Definitions.

For the purposes of this chapter, the following definitions apply:

- a. "Finance Director" means the director of finance for the city or his/her designated representative.
- b. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, including, but not limited to, any hotel, inn, bed and breakfast; tourist home or house, motel, studio hotel, bachelor hotel, lodging-house, or other similar structure or portion thereof.
- c. "Short Term Room Rental" shall mean occupancies that last less than 30 consecutive calendar days.
- d. "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

12.07.050 Established--Name.

There is hereby established a parking and business improvement area which shall be known as the "Lodi Tourism Business Improvement District," hereinafter for brevity and convenience sometimes referred to as "LTBID."

12.07.060 Description of Boundaries.

The boundaries of the LTBID shall be the boundaries of the City of Lodi.

12.07.070 Levy of Assessment--Use of proceeds.

The improvements and activities to be provided in the LTBID will be funded by the levy of the assessments. The City Council hereby finds that the hotels within the business and improvement area will be benefited by the improvements and activities funded by the assessments to be levied. The revenue from the levy of assessments within the LTBID shall not be used to provide improvements or activities outside the LTBID or for any purpose other than the purposes specified in the Resolution of Intention. The proceeds from the LTBID

assessment, as hereinafter provided, shall be used to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the City of Lodi.

12.07.080 Annual Review of Assessments.

All of the assessments imposed pursuant to this chapter shall be reviewed by the City Council annually, based upon the annual reports prepared by the advisory board appointed pursuant to this chapter and Sections 36530 and 36533 of the California Streets and Highways Code. The annual report shall include a budget for operations and a detailed identification of the marketing efforts to be undertaken by the LTBID for the ensuing calendar year.

12.07.090 Levy of Assessment--Amount.

The proposed LTBID will include all hotels within the City of Lodi. The assessment shall be levied on all hotels, existing and future, within the City of Lodi based upon 3% of the gross Short Term Room Rental revenue. Except where funds are otherwise available, an assessment will be levied annually to pay for the improvements and activities within the area and will be collected quarterly based on 3% of the gross Short Term Room Rental revenues for the previous quarter. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Section 36531 of the California Streets and Highways Code. Assessments pursuant to the LTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax.

12.07.100 Levy of Assessment--Use of revenue--Authority.

An advisory board shall be appointed by the City Council to make recommendations concerning the operation and extent of the LTBID and the methods and ways the revenue derived from the assessment imposed by this chapter shall be used within the scope of the purposes set forth in Section 12.07.070, and to incur obligations against the funds derived from the assessment only according to policy guidelines the City Council from time to time may establish and direct and to perform only such other powers and duties as the council from time to time may determine and direct. The City Council shall annually approve a budget which shall include a program of activities intended to carry out the purposes set forth in Section 12.07.070, accompanied with an estimate of expenditures.

12.07.110 Assessment – Calculation of Taxes.

The assessment imposed by this Ordinance is levied upon the hotels within the district, and the operator of each hotel shall be solely responsible for paying all assessments when due. Notwithstanding the foregoing, in the event that the operator of a hotel elects to pass on some or all of the assessment to customers of the hotel, the operator of the hotel shall separately identify or itemize the assessment on any document provided to a customer. Assessments levied on the operators of hotels pursuant to this Ordinance and passed on to customers are not part of a hotel's gross receipts or gross revenues for any purpose, including the calculation of sales or use tax, transient occupancy tax, or income pursuant to any lease. However, assessments that are passed on to customers shall be included in gross receipts for purposes of income and franchise taxes.

12.07.120 Records.

It shall be the duty of every operator of a hotel liable for the collection and payment to the applicable city or the county of any assessment imposed by this chapter to keep and preserve,

for a period of three years all records as may be necessary to determine the amount of such assessment as he may have been liable for the collection of and payment to the applicable city or the county, which records the applicable city or the county shall have the right to inspect at a reasonable time and following twenty-four (24) hour prior written notice.

12.07.130 Levy of Assessment--Collection, Delinquency, and Penalty.

The collection of the assessment imposed by this chapter shall be made on a quarterly basis from hotels within the City of Lodi. The City of Lodi will collect the assessment on the same form as that used for the collection of Transient Occupancy Tax receipts. Each operator shall, on or before the last day of each quarter, make a report to the Finance Director on forms provided by city, of the amount of assessment due for that quarter. The report and amount become delinquent twenty days after they are due. The full amount of the assessment calculated shall be remitted to the Finance Director at the time the return is filed. The Finance Director may establish shorter reporting or remitting periods for any operator and may require additional information in any return. Returns and payments are due immediately upon cessation of business for any reason. Each return shall contain a declaration under penalty of perjury, executed by the operator or its authorized agent, that, to the best of the declarant's knowledge, the statements in the return are true, correct and complete.

Any operator who fails to remit any assessment imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the assessment in addition to the amount of the assessment. Any operator who fails to remit any delinquent remittance on or before the 15th day of the month following date of the first penalty shall pay a second delinquency penalty of ten percent of the amount of the assessment in addition to the amount of assessment and ten percent penalty first imposed.

If the Finance Director determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the assessment shall be added thereto in addition to the penalties stated above.

In addition to the penalties imposed, any operator who fails to remit any assessment imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the assessment required to be paid by this chapter.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in full force and effect on January 1, 2005.

Approved this ____ day of _____, 2004

LARRY D. HANSEN
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

=====
State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held October 6, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

September 18th

all in the year 2004.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 18th day of September, 2004

[Signature]

Signature

This space is for the County Clerk's Filing Stamp

RECEIVED

SEP 24 2004

City of Lodi

Proof of Publication of

Notice of Public Hearing
City of Lodi, City Council
Lodi Tourism Business Improvement District

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2004-191

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO ESTABLISH THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID) AND TO LEVY AND COLLECT ASSESSMENTS WITHIN THE LTBID BOUNDARIES

WHEREAS, the Lodi Conference and Visitors Bureau is interested in establishing the Lodi Tourism Business Improvement District (LTBID) and levy an assessment on hotels with the LTBID; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the Streets and Highways Code authorizes cities to establish parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, businesses within the LTBID have requested the Lodi City Council to establish such an improvement area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

Section 1. The recitals set forth herein are true and correct.

Section 2. The City Council declares its intention to establish the LTBID and to levy and collect assessments within the LTBID boundaries pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the LTBID shall be the city limits of the City of Lodi.

Section 3. The name of the district shall be the Lodi Tourism Business Improvement District.

Section 4. The LTBID proposes to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the City of Lodi.

Section 5. The proposed LTBID will include all hotels within the City of Lodi. The assessment is proposed to be levied on all hotels, existing and future, within the City of Lodi based upon 3% of the gross Short Term Room Rental revenue beginning January 1, 2005. An assessment will be levied annually to pay for the improvements and activities within the area and will be collected quarterly based on 1% of the gross Short Term Room Rental revenues for the previous quarter. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Section 36531. Pursuant to the City of Lodi's transient occupancy tax ordinance, assessments pursuant to the LTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. As used in this Resolution, the phrase "Short Term Room Rental" shall mean occupancies that last less than 30 consecutive days.

Section 6. The LTBID proposed annual assessment in year one totals approximately \$156,000. The funds raised shall be spent on a Marketing Program, Administration and Personnel, and BID Development / Formation.

Section 7. The City of Lodi will collect the assessments quarterly from hotels within the City. The City of Lodi will collect the assessment on the same form as that used for the collection of Transient Occupancy Tax receipts. The City of Lodi will charge a 5% collection fee on amounts collected and will remit the net amount to the LTBID within 30 days after collections occur.

Section 8. The LTBID advisory board shall submit an annual report, which shall include a budget for operations and a detailed identification of the marketing efforts to be undertaken by the LTBID for the ensuing calendar year, to the Lodi City Council pursuant to Section 36533.

Section 9. The Lodi City Council shall appoint the Advisory Board as described in Section 36530.

Section 10. The time and place for the public hearing to establish the LTBID and the levy of the assessments is set for October 6, 2004, at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.

Section 11. At the public hearing the testimony of all interested persons for or against the



DECLARATION OF MAILING

RESOLUTION DECLARING INTENTION TO ESTABLISH LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID) AND LEVY AND COLLECT ASSESSMENTS WITHIN THE LTBID BOUNDARIES AND RESOLUTION APPOINTING LTBID ADVISORY BOARD

On September 16, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing resolution declaring intention to establish Lodi Tourism Business Improvement District (LTBID) and levy and collect assessments within the LTBID boundaries AND resolution appointing LTBID Advisory Board, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 16, 2004, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK


JENNIFER M. PERRIN
DEPUTY CITY CLERK

KARI J. CHADWICK
ADMINISTRATIVE CLERK

NOTICE OF PUBLIC HEARING

LODI CITY COUNCIL

221 W. PINE STREET, LODI, 95240 --TELEPHONE 333-6702

DATE: Wednesday, October 6, 2004

TIME: 7:00 p.m., or as soon thereafter as the matter can be heard

PLACE: Carnegie Forum, 305 West Pine Street, Lodi

SUBJECT: To establish the Lodi Tourism Business Improvement District (LTBID) and the levy of assessments.

(IMPORTANT – READ ENCLOSED RESOLUTION 2004-191)

At the public hearing the testimony of all interested persons for or against the establishment of the area, the extent of the area, or the furnishing of specified types of improvements or activities will be heard.

A protest against the LTBID, or any aspect of it may be made in writing. To count in the majority protest against the LTBID, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

ALL PROCEEDINGS BEFORE THE CITY COUNCIL ARE CONDUCTED IN ENGLISH. THE CITY OF LODI DOES NOT FURNISH INTERPRETERS, AND, IF ONE IS NEEDED, IT SHALL BE THE RESPONSIBILITY OF THE PERSON NEEDING ONE.

ANYONE WISHING TO BE HEARD ON THE ISSUE MAY APPEAR BEFORE THE CITY COUNCIL AT THE TIME OF THE PUBLIC HEARING. IF YOU CHALLENGE THE PROPOSED ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY CLERK/CITY COUNCIL AT, OR PRIOR TO, THE PUBLIC HEARING.

Date Mailed: September 16, 2004


SUSAN J. BLACKSTON
CITY CLERK OF THE CITY OF LODI

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2004-191

A RESOLUTION OF THE LODI CITY COUNCIL
DECLARING ITS' INTENTION TO ESTABLISH THE LODI
TOURISM BUSINESS IMPROVEMENT DISTRICT
(LTBID) AND TO LEVY AND COLLECT ASSESSMENTS
WITHIN THE LTBID BOUNDARIES

WHEREAS, the Lodi Conference and Visitors Bureau is interested in establishing the Lodi Tourism Business Improvement District (LTBID) and levy an assessment on hotels with the LTBID; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the Streets and Highways Code authorizes cities to establish parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, businesses within the LTBID have requested the Lodi City Council to establish such an improvement area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

Section 1. The recitals set forth herein are true and correct.

Section 2. The City Council declares its intention to establish the LTBID and to levy and collect assessments within the LTBID boundaries pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the LTBID shall be the city limits of the City of Lodi.

Section 3. The name of the district shall be the Lodi Tourism Business Improvement District.

Section 4. The LTBID proposes to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the City of Lodi.

Section 5. The proposed LTBID will include all hotels within the City of Lodi. The assessment is proposed to be levied on all hotels, existing and future, within the City of Lodi based upon 3% of the gross Short Term Room Rental revenue beginning January 1, 2005. An assessment will be levied annually to pay for the improvements and activities within the area and will be collected quarterly based on 3% of the gross Short Term Room Rental revenues for the previous quarter. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Section 36531. Pursuant to the City of Lodi's transient occupancy tax ordinance, assessments pursuant to the LTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. As used in this Resolution, the phrase "Short Term Room Rental" shall mean occupancies that last less than 30 consecutive days.

Section 6. The LTBID proposed annual assessment in year one totals approximately \$156,000. The funds raised shall be spent on a Marketing Program, Administration and Personnel, and BID Development / Formation.

Section 7. The City of Lodi will collect the assessments quarterly from hotels within the City. The City of Lodi will collect the assessment on the same form as that used for the collection of Transient Occupancy Tax receipts. The City of Lodi will charge a 5% collection fee on amounts collected and will remit the net amount to the LTBID within 30 days after collections occur.

Section 8. The LTBID advisory board shall submit an annual report, which shall include a budget for operations and a detailed identification of the marketing efforts to be undertaken by the LTBID for the ensuing calendar year, to the Lodi City Council pursuant to Section 36533.

Section 9. The Lodi City Council shall appoint the Advisory Board as described in Section 36530.

Section 10. The time and place for the public hearing to establish the LTBID and the levy of the assessments is set for **October 6, 2004, at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 11. At the public hearing the testimony of all interested persons for or against the establishment of the area, the extent of the area, or the furnishing of specified types of improvements or activities will be heard.

Section 12. A protest against the LTBID, or any aspect of it, may be made in writing. To count in the majority protest against the LTBID, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Section 13. If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the LTBID that will pay fifty percent (50%) or more of the total assessments of the entire LTBID (Exhibit A), no further proceedings to create the LTBID shall occur. New proceedings to form the LTBID shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests is only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the LTBID.

Section 14. Further information regarding the proposed LTBD may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 15. The City Clerk is instructed to provide notice of the public hearing as follows:

- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.
- b. Mail complete copy of this Resolution of Intention to each and every business owner proposed to be assessed in the LTBD within seven (7) days of the adoption of this Resolution by the City Council.

Section 16. This Resolution is effective on its adoption.

Dated: September 15, 2004


I hereby certify that Resolution No. 2004-191 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

EXHIBIT A

Number of Votes

Wine and Roses Country Inn Wine and Roses Country Inn, LLC Agent for Service of Process : Russel G Munson 2505 W Turner Rd Lodi, CA 95242 Phone: 209-334-6988 Bus Tax # : 2121	2472
Del Rancho Motel Ashvin R Patel 501 N Cherokee Ln Lodi, CA 95240 Phone: 209-368-5348 Bus Tax # : 10936	178
Holiday Inn Express Daryl Geweke PO Box 1210 (1140 S Cherokee Ln) Lodi, CA 95241 Phone: 209-334-6422 Bus Tax # : 568	3237
Star Hotel Jay K/Sangrita J Patel 22 S Main St Lodi, CA 95240 Phone: 209-368-3261, 209-368-4122 Bus Tax # : 3467	4
Budget Inn of Lodi Suresh B Patel 917 S Cherokee Ln Lodi, CA 95240 Phone: 209-369-1091 Bus Tax # : 495	165
Comfort Inn - Lodi KFP Management, Inc Agent for Service of Process : Kyu S Kim 118 N Cherokee Ln Lodi, CA 95240 Phone: 209-367-4848 Bus Tax # : 12851	1783
Lodi El Rancho Motel R & P Properties, Inc Agent for Service of Process : Ramesh Pitamber 220 Harding Bv (603 N Cherokee Ln)	510

EXHIBIT A

Roseville, CA 95678
Phone: 916-783-0961
Bus Tax # : 12126

Yadav & Assoc/Modern Motor Lodge
Sunil/Shobhana/Sushil/Sonal Yadav
1050 S Cherokee Ln
Lodi, CA 95240
Phone: 209-333-8844, 209-333-9812
Bus Tax # : 621

18

Wine Country Inn
Shobhana/Surendra F Patel
607 S Cherokee Ln
Lodi, CA 95240
Phone: 209-368-1152
Bus Tax # : 748

183

Rancho Grande Motel
Hasmukh M/Rita Bhakta
807 S Cherokee Ln
Lodi, CA 95240
Phone: 209-334-3303
Bus Tax # : 8627

55

Traveler's Motel
Ghanshyam A/Mita Patel
112 N School St
Lodi, CA 95240
Phone: 209-368-1518
Bus Tax # : 444

23

Viking Motel
Rakesh G/Smita Patel
815 S Cherokee Ln
Lodi, CA 95240
Phone: 209-369-6229
Bus Tax # : 6900

69

Royal Host Inn
Chetan H/Prakash J/Pradeepkumar/Paresh J Patel
710 S Cherokee Ln
Lodi, CA 95240
Phone: 209-369-8484
Bus Tax # : 760

1169

Imperial Hotel
Mumraiez Ahmad
9 W Oak St
Lodi, CA 95240
Phone: 209-366-0964, 209-369-5744

8

EXHIBIT A

Bus Tax # : 391

124

Economy Inn
Hasmukh/Rita/Jayanti/Kalavati Bhakta
1100 S Cherokee Ln
Lodi, CA 95240
Phone: 209-368-3778
Bus Tax # : 8256

2

Main Hotel
Gurvant Bhatka
4 S Main St
Lodi, CA 95240
Phone: 209-334-6059
BusTax # : 1166

10000

RESOLUTION NO. 2004-192

A RESOLUTION OF THE LODI CITY
COUNCIL APPOINTING LODI TOURISM
BUSINESS IMPROVEMENT DISTRICT
ADVISORY BOARD

WHEREAS, the Lodi City Council adopted a Resolution of Intention to form the Lodi Tourism Business Improvement District (LTBID) at its meeting held September 15, 2004; and

WHEREAS, the Lodi City Council now desires to appoint an Advisory Board for the LTBID; and

WHEREAS, the following is a list of names that have been recommended by Nancy Beckman, Executive Director of the Lodi Conference and Visitors' Bureau to sit on the Advisory Board:

Tabitha Freytag	Wine and Roses
Beth Kim	Comfort Inn
Sonny Patel	Wine Country Inn
Sunil Yadav	Modern Motor Lodge
Mary Wallace	Frames & Fine Things
Kelli Mettler	Wine & Visitor Center
Betty Hansen	Jewel Fine Wines

NOW, THEREFORE, BE IT RESOLVED that the Advisory Board is hereby appointed as recommended above.

Dated: September 15, 2004

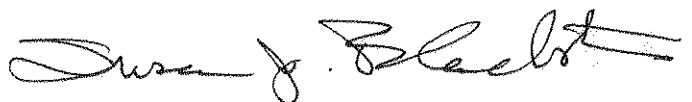
I hereby certify that Resolution No. 2004-192 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

Wine & Roses Country Inn
Russel G. Munson
2505 W. Turner Road
Lodi, CA 95242

Del Rancho Motel
Ashvin R. Patel
501 N. Cherokee Lane
Lodi, CA 95240

Holiday Inn Express
Daryl Geweke
P.O. Box 1210
Lodi, CA 95241

Star Hotel
Jay K/Sangrita J. Patel
22 S. Main Street
Lodi, CA 95240

Budget Inn of Lodi
Suresh B. Patel
917 S. Cherokee Lane
Lodi, CA 95240

Comfort Inn – Lodi
KFP Management/Kyu S. Kim
118 N. Cherokee Lane
Lodi, CA 95240

Lodi El Rancho Motel
R&P Properties/Ramesh Pitamber
220 Harding Boulevard
Roseville, CA 95678

Modern Motor Lodge
Yadav & Associates
1050 S. Cherokee Lane
Lodi, CA 95240

Wine Country Inn
Shobhana/Surendra F. Patel
607 S. Cherokee Lane
Lodi, CA 95240

Rancho Grande Motel
Hasmukh M./Rita Bhakta
807 S. Cherokee Lane
Lodi, CA 95240

Traveler's Hotel
Ghanshyam A./Mita Patel
112 N. School Street
Lodi, CA 95240

Viking Motel
Rakesh G./Smita Patel
815 S. Cherokee Lane
Lodi, CA 95240

Royal Host Inn
Chetan H. Pradeepkumar & Paresh Patel
710 S. Cherokee Lane
Lodi, CA 95240

Imperial Hotel
Mumraiez Ahmad
9 W. Oak Street
Lodi, CA 95240

Economy Inn
Hasmukh/Kalavati Bhakta
1100 S. Cherokee Lane
Lodi, CA 95240

Main Hotel
Gurvant Bhatka
4 S. Main Street
Lodi, CA 95240

EXHIBIT B

Wine & Roses Country Inn
Tabitha Freytag
2505 W. Turner Road
Lodi, CA 95242

Comfort Inn – Lodi
Beth Kim
118 N. Cherokee Lane
Lodi, CA 95240

Wine Country Inn
Sonny Patel
607 S. Cherokee Lane
Lodi, CA 95240

Modern Motor Lodge
Sunil Yadav
1050 S. Cherokee Lane
Lodi, CA 95240

Frames & Fine Things
Mary Wallace
18 W. Pine Street
Lodi, CA 95240

Wine & Visitors Center
Kelli Mettler
2545 W. Turner Road
Lodi, CA 95242

Jewel Fine Wines
Betty Hansen
3750 E. Woodbridge Road
Woodbridge, CA 95258

Nancy Beckman, Executive Director
Lodi Conference & Visitors' Bureau
2545 W. Turner Road
Lodi, CA 95240